

CCASE:  
SOL (MSHA) V. DARBET  
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Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges  
2 SKYLINE, 10TH FLOOR  
5203 LEESBURG PIKE  
FALLS CHURCH, VIRGINIA 22041

SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA),  
PETITIONER  
v.

CIVIL PENALTY PROCEEDING  
Master Docket No. 91-1  
Docket No. WEVA 91-1659  
A.C. No. 46-06850-03549D

DARBET, INCORPORATED,  
RESPONDENT

Mine No. 1

DECISION APPROVING SETTLEMENT

Before: Judge Broderick

On June 2, 1992, the Secretary filed a motion to approve a settlement between the parties in the above case. The case includes three alleged violations of 30 C.F.R. 70.209(b), which was originally assessed at \$1,000. The Secretary continues to assert that the violation resulted from a deliberate act, which is denied by the mine operator. The degree of negligence is disputed, and the parties agree to the reduction in the total penalties from \$3,000 to \$2,400.

I have considered the motion in the light of the criteria in section 110(i) of the Act and conclude that it should be approved.

Accordingly, the settlement motion is APPROVED. The operator is ordered to pay within 30 days of the date of this order the sum of \$2,400 for the violation charged in this proceeding.

James A. Broderick  
Administrative Law Judge